

TITLE 327 WATER POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
 LSA Document #10-268

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#), which describes types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also provide notice of a public hearing before the Water Pollution Control Board (board) concerning this [IC 13-14-9.5-1.1](#) rule review. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 5-4-3.1](#) concern rules regarding the National Pollutant Discharge Elimination System (NPDES) affecting Concentrated Animal Feeding Operations (CAFO); and
- (2) [327 IAC 15-15](#) establish rules under the NPDES General Permit System for CAFOs.

The Clean Water Act (CWA) is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. The NPDES General Permit System rules are permissible under the CWA but are not required. However, as general permits are a simplified version of NPDES permitting for those categories of dischargers in one geographic area with the same or substantially similar types of operations with similar operational and monitoring requirements, they are an effective and efficient permitting tool desired by the various categories of dischargers for which general permits are established.

LIST OF RULES

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

ARTICLE 5. INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES

Rule 4. Special NPDES Programs

[327 IAC 5-4-3.1](#)

No potential to discharge determination

ARTICLE 15. NPDES GENERAL PERMIT RULE PROGRAM

Rule 15. Concentrated Animal Feeding Operations

[327 IAC 15-15-1](#)

Purpose and effect

[327 IAC 15-15-2](#)

Applicability and permit boundary

[327 IAC 15-15-3](#)

Definitions

[327 IAC 15-15-4](#)

Performance standards and effluent limitations

[327 IAC 15-15-5](#)

Notice of intent requirements

[327 IAC 15-15-6](#)

Duration and renewal of coverage

[327 IAC 15-15-7](#)

Construction notice of intent and requirements

[327 IAC 15-15-8](#)

Public notice

[327 IAC 15-15-9](#)

General conditions

[327 IAC 15-15-10](#)

Manure, litter, and process wastewater storage and staging requirements

[327 IAC 15-15-11](#)

Soil conservation practice plan

327 IAC 15-15-12	Nutrient management requirements
327 IAC 15-15-13	Spray irrigation
327 IAC 15-15-14	Land application on snow covered or frozen ground
327 IAC 15-15-15	Marketing requirements
327 IAC 15-15-16	Emergency spill response plan
327 IAC 15-15-17	Operating record
327 IAC 15-15-18	Storm water pollution prevention plan
327 IAC 15-15-19	Closure of manure, litter, or process wastewater storage structures
327 IAC 15-15-20	Removal from the permitting program

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments. Mailed comments should be addressed to:

LSA Document #10-268 (2010 WPCB Nonsunset rule review)

MaryAnn Stevens

Rules Development Branch

Office of Legal Counsel

Indiana Department of Environmental Management

100 North Senate Ave.

MC 65-41

Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Room N1301, Indianapolis, Indiana.

Comments also may be submitted by facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the letter submitted through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by June 18, 2010.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief

Rules Development Branch

Office of Legal Counsel

[Notice of Public Hearing](#)

Posted: 05/19/2010 by Legislative Services Agency

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